7

File No. 193

19 39. W

Collection No. 34

E A / Mysore Residency, Bangalore

WB 11.6.47

Pros. Serial Nos. 1-3

Subject.

War, 1939 -

EXEMPTION OF MOTOR VEHICLES REQUISITIONED BY THE MILITARY FROM CERTAIN PROVISIONS OF THE BANGALORE MOTOR VEHICLES RULES.

Previous References.	Later References.

S. 97.—(Orange).

MFP—426 S&P—(M-582)—14-8-35—40,000.

Dy.No.W.432. S.N. 1

(E) 1

Please see Rule 30 of the Bangalore (C & M.Station Motor Vehicles Rules, 1927. Exemption from the operation of this rule should, in normal circumstances, be granted by the Municipal Commission and confirmed by the Resident. Under Section 11(4) of the Motor Vehicles Act as applied to the Civil and Military Station, "the Resident may at any time rescind any rule made and confirmed under this Section"; but it seems that it may not be correct for the Resident to grant exemption from the provisions of a rule in exercise of the powers conferred on him by this sub-section. Under the normal procedure, a reference to the Commission will therefore be necessary and this will involve considerable delay.

(D) 2

It seems therefore that the exemption applied for may be granted by the Resident under Rule 89(2)(a) of the Defence of India Rules, as suggested by the Commissioner of Police. Draft submitted.

3

The President, Municipal Commission, may see the draft before issue.

23.12.39

Thurgar. 25/9/39.

Secy

4 P.M.C. 6/10.

H.H. Cashelin 20.9.39.

5 Fr adm. Thurgar 25/9/39.

6 Resident approved RJ 26/9

Issue: S.N.(2).

7

The following papers are submitted in connection with tomorrow's discussions with Captain Growse and the Commr. of Police :-

S.N 2 of (K)
193-39(34)

(1) Part file 34 containing Resident's Notification exempting motor vehicles requisitioned by the military from certain provisions of the Bangalore Motor Vehicles Rules.

(D)

(2) Defence of India Rules.

(E)

@(3) The Bangalore C & M. Station Motor Vehicles Rules

(D)

8

It will be observed that under Rule 89 of the Defence of India Rules, as applied to the C & M. Station of Bangalore, both H.E. the Crown Representative and the Resident have concurrent powers. Please see in this connection S.N. 37 of file 59-1939. Unless the matter is extremely urgent, the Political Department should be consulted before the Resident exercises any powers under this Rule.

(C)

4-1-40

Put up at 12.15 please. Have we informed Pol Dept. of the action taken under Rule 89?

9

5/1.

5/1/40.

10

Submitted.

Action is being taken separately to send copies of ~~xkx~~ notifications issued by the Resident and C.C. under Rules 7, 89 and 126 of the Defence of India Rules.

5-1-40

5/1/40.

SECY.

No.T/2/7/ 6

Office of Station Transport Officer,

Bangalore, dated the 22nd September 1939.

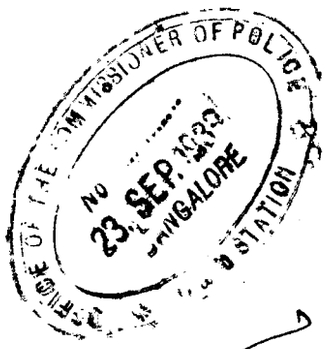
To

The Commissioner of Police,

Civil & Military Station, BANGALORE.

Sir,

Owing to the present emergency and the transfer of all Government M.T.Transport from the Station, I have the honour to request permission for the employment of private lorries for Military duty.



I have the honour to be,

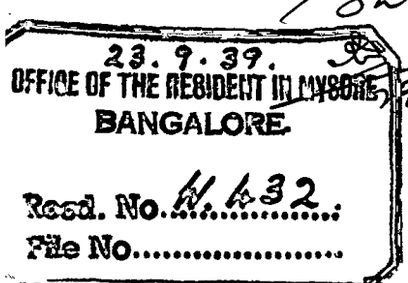
Sir,

Your obedient servant,

Submitted

MAJOR,

STATION TRANSPORT OFFICER. BANGALORE.



23/9/39

Forwarded to the Secretary to the Hon'ble the Resident.

(D) Rule 89 of D.G.P. Rules covers this.

(E) I suggest the issue of a notification to the effect that the Provisions of Bangalore M.V. Rule 30 shall not apply to any vehicle requisitioned by the Military authority & shall be actually employed by that authority, provided that the vehicle shall be in possession of a certificate of fitness prescribed by condition 4 of the Permit prescribed by Rule 30, & that the vehicle shall not contravene the conditions of the notification in respect of the maximum permissible loading capacity.

25/9/39 COP

Draft.

THE HON'BLE THE RESIDENT IN MYSORE.

Notification.

No. 193(34)39 W. Bangalore, the 27th Sept. 1939

Under Rule 89 of the Defence of India Rules, 1939, as applied to the Civil and Military Station of Bangalore the Hon'ble the Resident directs that the provisions of Rule 30 of the Bangalore (Civil and Military Station) Motor Vehicles Rules, 1927, shall not apply to any vehicle requisitioned by the Military Authorities and whilst actually employed by those Authorities, provided that (i) the vehicle shall be in possession of the certificate of fitness required under condition (4) of the 'L' permit prescribed by that Rule and (ii) the vehicle shall not contravene the conditions of its registration in respect of the maximum permissible loading capacity.

(Sd.) H. Trevelyan

SECRETARY TO THE RESIDENT.

To

No.2655/8/S.
Station Staff Office,
Bangalore, 8 January 1940.

To;-

Headquarters,
Madras District,
BANGALORE.

Subject;- ORDINANCES.

With reference to the Defence of India Ordinance No.V. (published under the Gazette of India Extraordinary of 3.9.1939), Section 89, Clause 2, paras (d) and (e).

1. A conference was held on 5.1.1940 between the Secretary, to the Hon'ble The Resident in Mysore, the Commissioner of Police, C.&.M.Station, Bangalore and the Station Staff Officer, Bangalore to consider the implications of the above quoted Ordinance as far as the employment of Civilian M.T, on Mobile Columns (formed by the Garrison of Bangalore) is concerned.

2. Reference para (d) - It was decided that it would be unnecessary to make preliminary arrangements for the impressment of vehicles, as power to do this could be deputed by the Hon'ble the Resident in Mysore to the Commissioner of Police, C.&.M.Station, Bangalore, at short notice. Steps are being taken to ensure that the Inspector General of Police, Mysore State, will be vested with similar powers by the Mysore Government, should the necessity arise.

3. Reference para (e) - It was decided that there is no necessity to fix the rates at which civilian M.T. should be hired, as, if the state of the country is such that impressment is unnecessary, there should be no difficulty in this connection.

10/1/1940.
OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
Recd. No. W/77.
File No.

4. The Secretary to the Hon'ble the Resident in Mysore requested however that your Headquarters should ask the Madras Government to lay down the conditions under which civilian M.T. might be used on Mobile Columns. The Secretary to the Hon'ble the Resident in Mysore, stated that when these conditions had been fixed, the Mysore Government (for Mysore State) and the Hon'ble the Resident in Mysore (for the C.&.M.Station) would be able to follow suit for their respective State and Station. The "conditions" that need clarifying appear to be ;-

(a). The liability of Civilian Drivers in charge of M.T. hired by the Military Authorities for use on Mobile Columns, especially as regards their entry into a dangerous area where lawlessness is rife.

(b). The payment of civilian drivers-whether this should be done in cash by O.C., Mobile Column by the day or by the week, or on completion of duty.

(c). The feeding of civilian drivers. Suggested that they should be responsible for this themselves.

5. Will you please take steps to have the questions in para 4 (a),(b),and (c) answered as soon as possible, and inform this office of the reply when received.

Capt
Major.
Commanding, Bangalore.

Copy to;-
A.D.S.&.T., Madras District, BANGALORE.
The Station Transport Officer, BANGALORE.
Copy with compliments to;-
The Secretary, to the Hon'ble the Resident in Mysore, "The Residency" BANGALORE.
The Commissioner of Police, C.&.M.Station, BANGALORE.